

JAMES E. JOHNSON
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

ROSEMARY C. YOGIAVEETIL
Phone: (212) 356-0877
Fax: (212) 356-1148
ryogiave@law.nyc.gov

April 15, 2021

Via ECF

Magistrate Judge Katherine H. Parker
United States District Court
Southern District of New York
500 Pearl Street, Courtroom 17D
New York, New York 10007

MEMO ENDORSED

Re: *Garcia v. Brann et al*, 21-CV-1234 (ER) (KHP)

Your Honor:

I am an Assistant Corporation Counsel in the Office of the Corporation Counsel, James E. Johnson. This Office will represent Defendants Commissioner Cynthia Brann, Dr. Patsy Yang, and Director Margaret Egan in this action.

I understand that neither Dr. Yang nor Director Egan have been served in this matter. I write to waive service on their behalf and to respectfully request that the deadline for Dr. Yang and Director Egan to respond to the Complaint be aligned to match that of Commissioner Brann. As Commissioner Brann returned a waiver of service (ECF Dkt. No. 11), her response to the Complaint is currently due on May 28, 2021. I am currently in the process of investigating the claims in this action, and the requested alignment of response dates would permit this Office to submit one response on behalf of all Defendants in this action. I thus request that the deadline for all Defendants to respond to the Complaint be set for May 28, 2021.

I also write to request an adjournment of the Initial Case Management Conference, presently scheduled for May 25, 2021. Should the Court grant the request to align return dates for all Defendants, Defendants' response to the Complaint would be due after the current conference date. I thus ask that the conference be adjourned until the week of June 7, 2021. I request this adjournment so that Defendants may interpose a response to the Complaint before the initial conference is held. Additionally, I have several other appearances scheduled during the week of May 31, 2021 and will be out of the office during the latter part of that week. I am currently available June 8 through June 10, and after 12 p.m. on June 11.

This is Defendants' first request to waive service and align responsive deadlines, as well as Defendants' first request to adjourn the Initial Case Management Conference. I have not been able to obtain Plaintiffs' consent to these requests due to his present incarceration.

Thank you for your consideration of these requests.

Respectfully submitted,

/s/

Rosemary C. Yogiaveetil
Assistant Corporation Counsel

cc: **Via First Class Mail**

Edgar Garcia
NYSID: 12803570L
B&C No. 1411904444
Vernon C. Bain Center
1 Halleck Street
Bronx, New York 10474
Plaintiff Pro Se

The Defendant's deadline to respond to the complaint is hereby extended to May 28, 2021.

The telephonic Initial Case Management Conference in this matter scheduled for Tuesday, May 25, 2021 at 11:45 a.m. is hereby rescheduled to Tuesday, June 22, 2021 at 12:00 p.m.

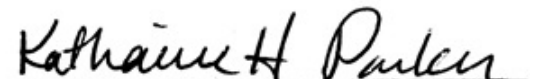
It is hereby ORDERED that the Warden or other official in charge of the Vernon C. Bain Correctional Center produce plaintiff Edgar Garcia., NYSD: 12803570L/B&C. 1411904444, on June 22, 2021, no later than 12:00 p.m., to a suitable location within the Vernon C. Bain Center that is equipped with a telephone, for the purpose of participating by telephone in a conference with the Court and defendants' counsel. If the scheduled time and date presents a hardship, the Warden or the Warden's designee should promptly inform chambers by calling (212) 805-0234.

The Parties are directed to review Judge Parker's Individual Rules of Practice in Civil Cases attached to this order. Plaintiff is directed to complete the Proposed Case Management Plan for Pro Se Plaintiffs and mail it to The Honorable Katharine H. Parker, U.S. District Court, 500 Pearl Street Room 750, New York, New York 10007 one week before the scheduled conference.

Defendants' counsel must: (1) send this Order to the Warden immediately; (2) contact the Vernon C. Bain Correctional Center to arrange the call and determine the telephone number at which the plaintiff will be reachable at the above time and date; (3) complete the Proposed Case Management Plan For Pro Se Plaintiffs and e-mail it to Parker_NYSDChambers@nysd.uscourts.gov, and (4) telephone Judge Parker's teleconference line at (866) 434-5269, Access code: 4858267, with the plaintiff on the line, at the time and date of the conference.

The Clerk of Court is requested to mail a copy of this order to the plaintiff.

APPLICATION GRANTED



Hon. Katharine H. Parker, U.S.M.J.